

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. **CV 17-2811 FMO**

Date **April 19, 2017**

Title **In re Jose R. Solano**

Present: The Honorable **Fernando M. Olguin, United States District Judge**

Vanessa Figueroa

None

None

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorney Present for Plaintiff(s):

Attorney Present for Defendant(s):

None

None

Proceedings: (In Chambers) Order to Show Cause Re: Dismissal for Lack of Jurisdiction

On April 13, 2017, this bankruptcy action was appealed to this court pursuant to 28 U.S.C. § 158(a) or § 158(b). (See Dkt. 1, Notice of Appeal). The bankruptcy order being appealed is the Order Granting Motion for Relief from Automatic Stay, entered on April 7, 2017. (See id. at 1). However, the Notice of Appeal does not include a copy of the order dated April 7, 2017. (See, generally, id.; see Dkt. 3, Notice of Appeal Deficiency) (noting that Notice of Appeal “[d]oes not include entered stamped copy of order, judgment or decree”). Thus, the record is incomplete.

District courts have jurisdiction to hear appeals from “final judgments, orders, and decrees[.]” and “with leave of the court, from other interlocutory orders and decrees[.]” 28 U.S.C. §§ 158(a)(1) & 158(a)(3). The record does not indicate that a final judgment, order, or decree has been entered. Rather, on April 14, 2017, the bankruptcy court entered a stipulation continuing the hearing on the motion for relief from stay to June 27, 2017. (In re Solano, Case No. BK 16-26833, Dkt. 54, Bankruptcy Court’s Order of April 14, 2017). Thus, it appears that final judgment has not been entered, and the court does not have jurisdiction over this case.

Based on the foregoing, IT IS ORDERED that:

1. No later than **April 28, 2017**, appellant shall show cause in writing why this action should not be dismissed for lack of jurisdiction. Appellee may submit a response on the same day.

2. Failure to file a timely response to this Order to Show Cause may result in the action being dismissed for lack of prosecution and for failure to comply with the orders of the court, pursuant to Local Rule 41. See also Fed. R. Civ. P. 41(b); Link v. Wabash R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962).

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